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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

EXAMINER	
WON, MICHAEL YOUNG	
ART UNIT	**PAPER NUMBER**
2155	

DATE MAILED: 02/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/045,182	LI ET AL.	
	Examiner	Art Unit	
	Michael Y. Won	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 December 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-19* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 12/05/05
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to the 37 CFR 1.131 Affidavit and the Amendment filed December 5, 2005.

2. Claims 1-19 have been examined and are pending.

Response to Amendment

3. The declaration filed on December 5, 2005 under 37 CFR 1.131 has been considered but is ineffective to overcome the Kidder et al. (US 6,880,086 B2) and Christian et al. (US 6,854,010 B1) references.

The evidence submitted is insufficient to establish a reduction to practice of the invention in this country or a NAFTA or WTO member country prior to the effective date of the Kidder et al. (US 6,880,086 B2) and Christian et al. (US 6,854,010 B1) references.

A general allegation that the invention was completed prior to the date of the references is not sufficient. *Ex parte Saunders*, 1883 C.D. 23. 23 O.G. 1224 (Comm'r Pat. 1883). Similarly, a declaration by the inventor(s) to the effect that his/her invention was conceived or reduced to practice prior to the reference date, **without a statement**

of facts demonstrating the correctness of this conclusion, is insufficient to satisfy 37 CFR 1.131.

In the declaration filed December 5, 2005, there is insufficient facts demonstrating the correctness of this conclusion. The disclosure fails to recite insufficient facts for the examiner to determine:

(a) which of the claimed limitations are satisfied by the prototype;

(b) whether the test conditions represented actual conditions or realistically simulated conditions;

(c) whether the successful test result was the result of the actual claimed invention;

These facts must be demonstrated by documentary evidence, not simply stated that the invention was made and working.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

4. Claims 6 and 7, previously rejected under 35 USC 112, second paragraph, has been withdrawn based on the amendment to claim 2.

5. Claims 15 and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 15 and 16 recite the limitation "ASCII persistence table" in page 5 of the amendment. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1, 2, 5-11, and 14-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kidder et al. (US 6,880,086 B2).

INDEPENDENT:

As per ***claims 1 and 10***, Kidder teaches a method and a computer-readable medium carrying one or more sequences of one or more instructions for synchronizing circuit related objects between a network management system (NMS) and a network control processor (NCP), the one or more sequences of one or more instructions including instructions which, when executed by one or more processors, cause the one or more processors to perform the method comprising:

translating data for the circuit related objects from binary data (inherent) to ASCII (see col.11, lines 56-67 and col.69, lines 20-24) data;

receiving into the network management system server the data from the network control processor (see col.64, lines 17-26);

parsing the ASCII data (see col.99, lines 40-45); and

storing the ASCII data in a network management system database (see col.11, lines 62-67; col.63, lines 38-43; and col.165, lines 53-64).

Kidder does not explicitly teach wherein the binary data is translated to ASCII data in the network control processor and hence the receiving of the data at the NMS is of a binary data from the NCP (following step), however, such translation is implicit as described below and as a result would receive ASCII data at the NMS if implemented.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of translating binary to ASCII at the NCP prior to the transmission to the NMS because such implementation is implicitly possible, but not recommended. Kidder teaches in col.65, lines 46-50 that the data is maintained in binary form at the NCP rather than translating it into ASCII because binary data is "smaller" and "requires less space to store and less bandwidth to transfer", therefore one of ordinary skill in the art would translate binary to ASCII at the NCP prior to transmission to the NMS if bandwidth preservation was not a concern and if the translating step was subjectively preferred at the NCP.

As per ***claim 19***, Kidder teaches a method for synchronizing circuit related objects between a network management system (NMS) and a network control processor (NCP), the method comprising:

sending a command for translating data for the circuit related objects from binary data to ASCII data to the NCP, wherein the NCP translates data for the circuit related objects from binary data (inherent) to ASCII data (see col.11, lines 56-67 and col.69, lines 20-24);

receiving into the network management system server (NMS) the ASCII data from the network control processor (see col.64, lines 17-26); and

storing the ASCII data in a network management system database (see col.11, lines 62-67; col.63, lines 38-43; and col.165, lines 53-64), wherein a data structure in the network management system database is synchronized with the ASCII data for the circuit related objects (see col.9, line 62-col.10, line 8).

Kidder does not explicitly teach wherein the binary data is translated to ASCII data in the NCP and hence the receiving of the data at the NMS is of a binary data from the NCP (following step), however, such translation is implicit as described below and as a result would receive ASCII data at the NMS if implemented.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of translating binary to ASCII at the NCP prior to the transmission to the NMS because such implementation is implicitly possible, but not recommended. Kidder teaches in col.65, lines 46-50 that the data is maintained in binary form at the NCP rather than translating it into ASCII because binary data is

"smaller" and "requires less space to store and less bandwidth to transfer", therefore one of ordinary skill in the art would translate binary to ASCII at the NCP prior to transmission to the NMS if bandwidth preservation was not a concern and if the translating step was subjectively preferred at the NCP.

DEPENDENT:

As per ***claim 2***, Kidder further teaches wherein the data for the circuit related objects is stored in an ASCII persistence table in the network control processor (see col.18, lines 49-52 and col.83, lines 40-43).

As per ***claims 5 and 14***, Kidder further teaches wherein an accessible directory in a host machine has a remote machine's host name and a user name, wherein the network management system is the remote machine, and wherein the network control processor is the host machine (implicit: see Fig.11Q to 11W and col.53, lines 48-60).

As per ***claims 6 and 15***, Kidder further teaches wherein the format of an ASCII persistence table is a plain text file which maintains all available records for a type of circuit related object in the network control processor (see col.11, lines 56-67), and wherein each record includes a unique key and group of names with corresponding values, and each unique key is used to identify an individual circuit (see col.23, lines 32-39: "circuit ID").

As per ***claims 7 and 16***, Kidder further teaches wherein the step of parsing comprises: reading records from the ASCII persistence table (inherent); and parsing the

records to a network management system desired format (see col.70, lines 41-51: "perhaps other data formats").

As per ***claims 8 and 17***, Kidder teaches of further comprising comparing the ASCII data with a corresponding circuit related object table already in the network management system database (see col.37, lines 25-44 and col.151, lines 56-63).

As per ***claims 9 and 18***, Kidder teaches of further comprising: detecting a mismatch between the ASCII data and the corresponding circuit related object table (see col.37, lines 25-44); and updating the network management system database accordingly (see col.25, line 62 – col.26, lines 11).

As per ***claim 11***, Kidder further teaches wherein the data for the circuit related objects is stored in a persistence table in the network control processor (see col.18, lines 49-52 and col.83, lines 40-43).

7. Claims 3, 4, 12, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kidder et al. (US 6,880,086 B2) in view of Christian et al. (US 6,854,010 B1).

As per ***claims 3 and 12***, Kidder does not explicitly teach wherein the step of translating data comprises receiving a "rsh" UNIX command to translate the persistence table from a binary persistence table to an ASCII persistence table. Christian teaches of an "rsh" UNIX command (see col.7, lines 19-27).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Christian within the system of Kidder by implementing a "rsh" command within the method and computer-readable medium carrying one or more sequences of one or more instructions for synchronizing circuit related objects between a network management system (NMS) and a network control processor (NCP) because Kidder teaches that the NMS may be a UNIX server (see col.11, lines 59-62).

As per ***claims 4 and 13***, Kidder does not explicitly teach wherein the step of receiving the ASCII data comprises receiving a "rcp" UNIX command to copy the ASCII persistence table to a network management system database. Christian teaches of an "rcp" UNIX command (see col.7, lines 19-27).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Christian within the system of Kidder by implementing a "rcp" command within the method and computer-readable medium carrying one or more sequences of one or more instructions for synchronizing circuit related objects between a network management system (NMS) and a network control processor (NCP) because Kidder teaches that the NMS may be a UNIX server (see col.11, lines 59-62).

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Y. Won whose telephone number is 571-272-3993. The examiner can normally be reached on M-Th: 7AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael Won

February 15, 2006

SALEH NAJJAR
SUPERVISORY PATENT EXAMINER